

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Implementing Public Safety Broadband	)	PS Docket No. 12-94
Provisions of the Middle Class Tax Relief and	)	
Job Creation Act of 2012	)	
	)	
Implementing a Nationwide, Broadband,	)	PS Docket No. 06-229
Interoperable Public Safety Network in the 700	)	
MHz Band	)	
	)	
Service Rules for the 698-746, 747-762 and	)	WT Docket No. 06-150
777-792 MHz Bands	)	
	)	

**COMMENTS OF  
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>1</sup> This proceeding addresses rules for the Public Safety Broadband Network (PSBN), including the relocation in the spectrum of Narrowband Public Safety 700 MHz systems deployed under former versions of the bandplan that operate in what is now public safety broadband spectrum. In these comments, NPSTC supports consolidation of the rules for the PSBN under Part 90 of the rules as proposed and recommends that relocation costs for Narrowband 700 MHz systems operating in the broadband spectrum be considered an eligible expense for broadband deployment funds Congress has provided to FirstNet. NPSTC also recommends a process to implement the relocation once the availability of funding is confirmed.

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<sup>1</sup> Notice of Proposed Rulemaking, PS Docket 12-94, PS Docket 06-229 and WT Docket No. 06-150, released March 8, 2013.

## **The National Public Safety Telecommunications Council**

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency

Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). In addition, Public Safety Europe is also a liaison member. NPSTC has relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators, the Utilities Telecom Council and the Alliance for Telecommunications Industry Solutions.

### **NPSTC Comments**

#### **1. Public Safety Broadband Technical Service Rules**

In its Notice of Proposed Rulemaking (“Notice”) in this proceeding, the Commission proposes to consolidate the technical service rules governing the public safety broadband spectrum into Part 90 of the rules. Currently, the technical service rules are separated into both Part 27 and Part 90 of the rules. This bifurcation of the rules stems from the original plan for the spectrum in which the 763-768/793-798 MHz band was designated for public safety broadband use and governed under Part 90 while the spectrum at 758-763/788-793 MHz was designated as the commercial D block and governed under Part 27 of the rules. Subsequently this D block spectrum was reallocated to public safety. Accordingly, the public safety broadband spectrum now consists of the combined 758-768/788-798 MHz spectrum.

NPSTC supports the Commission’s proposal to consolidate the technical service rules for the 758-768/788-798 MHz public safety broadband spectrum under Part 90. Such a consolidation is a logical outgrowth of the reallocation of the D block spectrum to public safety. These technical service rules, together with other provisions yet to be defined by FirstNet, the nationwide licensee of the spectrum, will form the basis for operations in the public safety broadband spectrum.

## 2. 700 MHz Narrowband System Relocation

Some public safety narrowband 700 MHz systems occupy a portion of what is now 700 MHz public safety broadband spectrum. The public safety narrowband licensees to which this applies were early adopters of 700 MHz narrowband systems that deployed based on the rules in effect at the time, prior to the Commission's reconfiguration of the 700 MHz bandplan. In 2007, the Commission reconfigured the 700 MHz bandplan to consolidate and relocate the narrowband public safety spectrum and designate spectrum for public safety broadband operations. A number of public safety narrowband licensees obtained waivers to continue operating under the former bandplan, pending further action by the Commission to address relocation to comply with the revised bandplan, including provisions for cost reimbursement.

Initially, the Commission required the Public Safety Spectrum Trust (PSST) to manage the relocation to be funded by the D block commercial auction winner. However, the D block auction failed. The "Public Safety Spectrum Act" (Public Law 112-96) enacted in February 2012 directed the Commission to reallocate the D block spectrum to public safety and license it together with the public safety broadband spectrum originally held by the PSST to FirstNet. Accordingly, the Commission has requested comments on how best to implement relocation of the remaining 700 MHz narrowband licensees out of the broadband spectrum and into the revised narrowband spectrum blocks.

NPSTC notes that the Commission previously recognized that these narrowband 700 MHz licensees deployed under the rules in effect at the time and that providing reimbursement funding was appropriate. Because the original mechanism for that funding is no longer available, an alternate funding source needs to be determined.

NTIA, FirstNet and FCC should coordinate to determine relative responsibilities and develop and implement a relocation mechanism. We recommend that FirstNet, in consultation with the Commission, consider an approach that allows the legitimate costs of relocating these narrowband 700 MHz systems in the spectrum in accordance with the revised bandplan to be designated as an eligible expense under the broadband deployment funds Congress has provided FirstNet. As addressed by the Commission in the Notice, the continued presence of narrowband systems in the broadband spectrum will unduly constrain broadband deployment.<sup>2</sup> NPSTC agrees it is necessary to relocate these narrowband systems as part of the broadband deployments and therefore believes the legitimate relocation costs should be an eligible expense covered under the broadband deployment funding.

Accordingly, NPSTC recommends that the Commission, FirstNet and NTIA work together to confirm this as a source of funding. A process could be developed under which the narrowband licensees who need to relocate can provide a cost estimate, obtain funding and relocate under an aggressive but reasonable timeframe, given the work required to implement the relocation. Any schedule for relocation implementation should be tied to actual availability of funding and prospective broadband deployment. Public safety licensees and the Commission previously experienced a “false start” in the process and confirmed funding is an essential starting point for actual relocation to begin. Also, the time required for actual relocation could vary with different licensees, depending on their respective deployments, as well as the need for broadband deployment in a particular area.

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<sup>2</sup> Notice at paragraph 52. Also, previously-filed comments from NPSTC and a number of public safety agencies in response to Commission questions regarding “flexible use” of the narrowband 700 MHz spectrum addressed the incompatibility of placing broadband and narrowband operations in the same spectrum. Those concerns remain and in general are applicable to either situation, i.e., narrowband operations in broadband spectrum or broadband operations in the narrowband spectrum.

NPSTC is also aware that a few of the licensees for which relocation will need to occur face particular challenges as they have substantial numbers of vehicular repeaters operating on the spectrum. Based on previous preparation work by the PSST, NPSTC understands that relocating these vehicular repeaters may involve replacement, not just “retuning” of the repeaters. Also, the design of vehicular repeaters becomes more challenging as the frequency spacing between the vehicular repeater and an associated inband mobile radio become more closely spaced. Currently vehicular repeater filtering is mostly customized as this frequency spacing is different for each licensee. NPSTC recommends that a portion of the 700 MHz guardband spectrum be considered a possible home for vehicular repeaters. Having a set band for vehicular repeaters should allow the use of more standardized filtering, thereby helping to reduce costs. This in turn may help reduce relocation costs. Notably, this spectrum decision would need to be made up-front in the process with time for design and manufacturing to occur to be effective for narrowband relocation. While narrowband operations in the guardband risk receiving interference from public safety broadband operations, previous technical analysis indicates that the localized function of narrowband vehicular repeater operations in an upper portion of the guardband spectrum should be possible with minimal interference.

### **Conclusion**

NPSTC supports the Commission’s proposal to consolidate the technical service rules for the public safety broadband network under Part 90 of the rules. NPSTC recommends that relocation costs for narrowband 700 MHz operations in the public safety broadband spectrum be an eligible expense under FirstNet’s broadband deployment funding. Finally NPSTC recommends a process for the narrowband relocation, including availability of a portion of the 700 MHz public safety guardband spectrum for narrowband vehicular repeater operation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", with a long horizontal flourish extending to the right.

Ralph A. Haller, Chairman

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